

Message Text

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ORIGIN EB-07

INFO OCT-01 AF-08 EUR-12 IO-13 ISO-00 DHA-02 OPIC-03 FEA-01

AGR-05 CEA-01 CIAE-00 COME-00 DODE-00 FRB-03 H-02

INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05

CIEP-01 SS-15 STR-04 ITC-01 TRSE-00 USIA-06 PRS-01

SP-02 OMB-01 /119 R

DRAFTED BY EB/IFD/OIA:DHSTEBBING

APPROVED BY EB/IFD/OIA:RJSMITH

AF/C:MFGALLAGHER

AF/EP:LMWHITE STR:SLANDE(INFO)

EUR/CE:RBCASAGRANDE

TREASURY:FMARESCA

COMMERCE:JSEVER

L/EB:SRBOND (INFO)

L/AF:MMATHESON (INFO)

EB/ITP/OT/GCP:SAHMAD (INFO)

----- 127067

R 140030Z AUG 76

FM SECSTATE WASHDC

TO AMEMBASSY BONN

INFO AMEMBASSY KINSHASA

AMEMBASSY LIBREVILLE

AMCONSUL DOUALA

AMEMBASSY YAOUNDE

USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS:EINV, CF

SUBJECT: EXPROPRIATED US PROPERTY IN THE PEOPLE'S REPUBLIC

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----- OF THE CONGO

REFS: (A) 75 STATE 270649 (NOTAL), (B) STATE 30821 (NOTAL)

1. PLEASE REQUEST FRG FOREIGN MINISTRY TO TRANSMIT FRENCH TEXT OF FOLLOWING MESSAGE TO THE CONGOLESE GOVERNMENT THROUGH FRG EMBASSY IN BRAZZAVILLE. FRG EMBASSY BRAZZAVILLE SHOULD INSERT THE DATES OF THE FIRST TWO NOTES ON THIS SUBJECT BEFORE DELIVERING IT TO GOC.

2. FOR KINSHASA: PLEASE CONTACT FRG EMBASSY KINSHASA TO ADVISE THEM THAT MESSAGE IS COMING AND TO REQUEST THAT THEY BE IN TOUCH WITH FRG EMBASSY BRAZZAVILLE AS TO DATES OF DELIVERY OF OUR MESSAGE AND OF ANY GOC RESPONSE.

3. FOR INFORMATION PURPOSES ONLY, ENGLISH TEXT FOLLOWS:

4. BEGN TEXT: IN NOTES OF () AND () ON THE NATIONALIZATION OF THE PROPERTY OF THE TEXACO AND MOBIL PETROLEUM COMPANIES ON JANUARY 12, 1974, THE UNITED STATES URGED THAT THE PEOPLE'S REPUBLIC OF THE CONGO REACH PROMPT

GREEMENT WITH TEXACO AND MOBIL ON THE PAYMENT OF FAIR COMPENSATION FOR THE NATIONALIZED PROPERTY. THESE NOTES ALSO POINTED OUT THAT, WITHOUT SUBSTANTIAL PROGRESS TOWARD AGREEMENTS WITH THESE COMPANIES ON COMPENSATION, THE UNITED STATES GOVERNMENT WILL BE BOUND BY LEGISLATION CALLING FOR TERMINATION OF GENERALIZED TARIFF PREFERENCES AND OPPOSITION TO LOANS UNDER CONSIDERATION BY INTERNATIONAL DEVELOPMENT BANKS FOR COUNTRIES WHICH EXPROPRIATE AMERICAN PROPERTY WITHOUT DISCHARGING THEIR OBLIGATIONS UNDER INTERNATIONAL LAW.

WHILE ENCOURAGED BY THE ASSURANCES OF THE PEOPLE'S REPUBLIC OF THE CONGO GIVEN IN NOTE NO. 152/76 OF MARCH 11, 1976, OF THE INTENT TO RESOLVE THESE DISPUTES, THE UNITED STATES IS CONCERNED THAT NO SPECIFIC ACTION HAS YET BEEN TAKEN TO SETTLE THEM. IN VIEW OF THE CONSIDERABLE TIME ELAPSED, THE UNITED STATES CALLS ON THE PEOPLE'S REPUBLIC OF THE CONGO TO PROCEED WITHOUT FURTHER DELAY TO MEET WITH EACH COMPANY TO DISCUSS THE AMOUNT OF COMPENSATION LIMITED OFFICIAL USE

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AND TO MAKE EACH COMPANY A FAIR OFFER FOR ITS NATIONALIZED PROPERTY, OR TO TAKE OTHER APPROPRIATE ACTION LEADING TO A PROMPT AND JUST RESOLUTION OF THE MATTER. THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF THE CONGO SHOULD BE AWARE THAT, IN THE ABSENCE OF SUCH MEASURES WITHIN THE NEXT 60 DAYS, THE UNITED STATES WOULD EXPECT TO ANNOUNCE ITS INTENTION TO REMOVE THE PEOPLE'S REPUBLIC OF THE CONGO FROM THE LIST OF THOSE COUNTRIES ELIGIBLE

TO RECEIVE GENERALIZED TARIFF PREFERENCES. END TEXT

5. FOR FRG DELIVERY TO GOC, FRENCH TEXT FOLLOWS:

PAR LES NOTES DU () ET DU ()
SUR LA NATIONALISATION DES BIENS DES SOCIETES PETROLIERES
TEXACO ET MOBIL LE 12 JANVIER 1974, LES ETATS-UNIS DEMAN-
DAIENT INSTAMMENT A LA REPUBLIQUE POPULAIRE DU CONGO DE
PARVENIR RAPIDEMENT A UN ACCORD AVEC TEXACO ET MOBIL CONCER-
NANT LE PAIEMENT D'UNE INDEMNISATION EQUITABLE POUR LES
BIENS NATIONALISES. CES NOTES SOULIGNAIENT EGALEMENT QUE,
EN L'ABSENCE DE PROGRES SENSIBLE VERS DES ACCORDS AVEC CES
SOCIETES QUANT A L'INDEMNISATION, LE GOUVERNEMENT DES
ETATS-UNIS SERAIT TENU D'APPLIQUER LA LEGISLATION PREVOYANT
LA RESILIATION DES PREFERENCES TARIFAIRES GENERALISEES ET
L'OPPOSITION AUX PRETS DONT LA DEMANDE EST ACTUELLEMENT A
L'ETUDE AUPRES DE BANQUES INTERNATIONALES DE DEVELOPPEMENT
POUR LES PAYS QUI PROCEDENT A L'EXPROPRIATION DE BIENS
AMERICAINS SANS S'ACQUITTER DES OBLIGATIONS QUI LEUR IN-
COMBENT EN VERTU DU DROIT INTERNATIONAL.

BIEN QU'ENCOURAGES PAR L'ASSURANCE DONNEE PAR LA REPUBLIQUE
POPULAIRE DU CONGO DANS LA NOTE NO 152/76 DU 11 MARS 1976,
DE L'INTENTION DE RESOUDRE CES DIFFERENDS, LES ETATS-UNIS
REGRETTENT QU'AUCUNE MESURE SPECIFIQUE N'AIT ENCORE ETE
PRISE POUR LES REGLER. ETANT DONNE LA PERIODE DE TEMPS
CONSIDERABLE QUI S'EST ECOULEE, LES ETATS-UNIS FONT APPEL
A LA REPUBLIQUE POPULAIRE DU CONGO POUR QU'ELLE TIENNE SANS
PLUS TARDER UNE REUNION AVEC CHACUNE DE CES SOCIETES AFIN
DE DISCUTER DU MONTANT DE L'INDEMNISATION ET DE FAIRE A
CHACQUE SOCIETE UNE OFFRE EQUITABLE POUR SES BIENS NATIONAL-
ISES, OU POUR PRENDRE TOUTE AUTRE MESURE APPROPRIEE
MENANT A UNE RESOLUTION PROMPTE ET JUSTE DE LA QUESTION.
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NOUS TENONS A SIGNALER AU GOUVERNEMENT DE LA REPUBLIQUE
POPULAIRE DU CONGO QUE, EN L'ABSENCE DE TELLES MESURES DANS
LES 60 JOURS A VENIR, LES ETATS-UNIS AURAIENT A ANNONCER
LEUR INTENTION DE RETIRER LA REPUBLIQUE POPULAIRE DU
CONGO DE LA LISTE DES PAYS ADMISSIBLES AU BENEFICE DES
PREFERENCES TARIFAIRES GENERALISEES. ROBINSON

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